

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LADDY CURTIS VALENTINE and)	
RICHARD ELVIN KING, individually and)	
on behalf of those similarly situated,)	
Plaintiffs,)	Case No. 4:20-cv-01115
v.)	
)	
BRYAN COLLIER, in his official capacity,)	
ROBERT HERRERA, in his official capacity,)	Hon. Keith P. Ellison
and TEXAS DEPARTMENT OF CRIMINAL)	
JUSTICE.)	
Defendants.)	

**PLAINTIFFS' UNOPPOSED EMERGENCY MOTION FOR WRIT OF HABEAS
CORPUS AD TESTIFICANDUM FOR TEXAS INMATES AT WALLACE PACK UNIT**

Plaintiffs and class members Laddy Valentine, TDCJ #1782033; Richard King, TDCJ #00516700; Roger Beal, TDCJ #1473289; Gary Butaud, TDCJ #1238964; Leonel Cruz, TDCJ #1786942; Harold Dove, TDCJ #255592; Shawn Griggs, TDCJ #1481719; Marvin Jones, TDCJ #1040320; Ryan Montez, TDCJ #2114696; Thomas Pennington, TDCJ #531216; Jon Reynolds, TDCJ #1736893 and Michael Smith, TDCJ #2263660 (collectively, the “Testifying Class Members”), respectfully request this Court to issue a writ of habeas corpus to require the State of Texas to produce them in court **via telephone** beginning July 13, 2020 to testify in the trial set by this Court at 9:00 AM.

FACTS

The Testifying Class Members are currently in the custody of the Texas Department of Criminal Justice (TDCJ) and are serving their terms at the Wallace Pack Unit in Navasota, Texas in Grimes County.

The parties have conferred about this motion and are in agreement. The undersigned routinely makes phone calls to inmates at the Wallace Pack Unit and Unit has the capability to call the Court as requested.

Until the Testifying Class Members individually become eligible for parole, each class member remains the custody of the state and subject to the conditions of confinement established by the TDCJ. TDCJ requires the Testifying Class Members to remain in the Wallace Pack Unit under the supervision of TDCJ's Correctional Institutions Division.

The sheriff of Harris County, where this court sits, is Ed Gonzalez. The head of the U.S. Marshals service for the Southern District of Texas is T. Michael O'Connor. The director of TDCJ's Correctional Institutions Division is Lorie Davis. The warden of the Wallace Pack Unit is Robert Herrera.

ARGUMENT

This Court has the power to issue writs of habeas corpus to require inmates to appear for trial. Under 28 U.S.C. § 2241(c)(5), the Court may issue a writ habeas corpus when "it is necessary to bring [the inmate] into court to testify or for trial."

Each Testifying Class Member's testimony at trial is necessary for Plaintiffs collectively to fully present their evidence and arguments to the Court and counter Defendants' testimony.

The Testifying Class Members request that each of them be brought to a telephone that can be connected to the Court no later than 9:00 AM on July 13, 2020, when the presentation of the evidence begins, and be available to be telephonically present in the courtroom throughout the presentation of evidence.

CONCLUSION

Plaintiffs therefore respectfully request that the Testifying Class Members each be brought to a telephone by TDCJ and connected with the court telephonically for the duration of trial.

Dated: July 10, 2020.

Respectfully submitted,
WINSTON & STRAWN LLP

By: /s/ John R. Keville

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record on July 10, 2020.

/s/ John R. Keville

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